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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/787,692	10/15/85	NILSSEN	0

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EXAMINER	
BEHA JR, W	
ART UNIT	PAPER NUMBER
212	50

DATE MAILED:

03/24/87

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ The communication filed 2/9/87 is ~~informal~~ non-responsive for the reason(s) checked below and should be corrected. APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.
- a. ☐ The amendment to claim(s) _____, filed _____, fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by _____, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e. ☒ Other See attached letter
2. ☐ In accordance with applicant's request, THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED _____ IS EXTENDED TO RUN _____ MONTH(S).
No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (b)
3. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.
4. ☐ Other

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GROUP ART UNIT 212

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The amendment filed on February 9, 1987 amending all claims drawn to the elected invention and presenting only claims drawn to a nonelected invention is nonresponsive. See MPEP 821.03. The remaining claims are not readable on the elected invention because they are drawn to non-elected inventions as explained in the restriction requirement below. Applicant is given a one month time limit or until the expiration of the response period set in the last Office action, whichever is longer, to complete the response. NO EXTENSION OF THIS TIME LIMIT WILL BE GRANTED UNDER EITHER 37 CFR 1.136(a) or (b) BUT THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION MAY BE EXTENDED UP TO A MAXIMUM OF SIX MONTHS.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 130-135 as originally presented, drawn to the subcombination of a rectifier and an inverter, classified in Class 363, subclass 37.

II. Claims 130-135, as amended, drawn to the combination of a rectifier, an inverter and a gas discharge lamp, classified in Class 315, subclass 200R.

III. Claims 136, 138, drawn to the subcombination of a self oscillating inverter and a gas discharge lamp, classified in Class 315, subclass 226.

The inventions are distinct, each from the other, because of the following reasons:

Inventions I and III are related as subcombinations disclosed as useable together in a single combination.

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The subcombinations are distinct from each other if they are shown to be separately useable. In the instant case, invention I has separate utility such as a power supply for an X-Ray device. See MPEP 806.05(d).

Inventions II and I are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in a materially different combination. MPEP 806.05(c).

In this case, the combination as claimed does not require the particulars of the subcombination for patentability because claim 134, for example, does not require a "self oscillating" inverter, as does claim 130, nor does it require one of the AC output terminals connected with any one of the AC input terminals "by way of an impedance means that represents an effective short circuit at said fundamental frequency," as claimed in claim 135. These are just two indicators of many more evidencing that the combination (claim 134) does not require ALL the limitations of the subcombination. In essence claim 134 is an evidence claim to this effect. Additionally, the subcombination has separate utility such as a power supply for an X-Ray device.

Because these inventions are distinct for the reasons given above and:

- 1) have acquired a separate status in the art as shown by their separate classification,
- 2) have acquired a separate status in the art because of their recognized divergent subject matter, and

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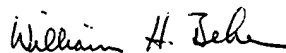
3) the search required for Groups I, II and III is different for each Group, restriction for examination purposes as indicated is proper.

Still further, reference is made to a progenitur case in which claims drawn to the combination of a power supply and a gas discharge lamp were restricted out from those claims drawn only to a power supply. The rationale for insisting on restriction has not changed since then. Accordingly, claims 130-137⁸, drawn to the combination of a rectifier, inverter and gas discharge lamp or an inverter and a gas discharge lamp will not be examined in this application, applicant having constructively elected for prosecution claims drawn only to a power supply by his original presentation of claims.

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